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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,939	01/23/2001	Bronwyn C. Rice	RIE600	9740

7590 08/01/2005

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EXAMINER

GRAYSAY, TAMARA L

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,939

Applicant(s)

RICE, BRONWYN C.

Examiner

Tamara L. Graysay

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-13 and 21-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 8-13 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starkey (US-6745200) in view of White (book, How computers work).

NOTE: The recitation of nonfunctional descriptive material, which is directed to the content of information, not structure or an action or step, does not render nonobvious that which is otherwise obvious.

- a. Regarding claims 8, 10, and 12 Starkey discloses a communication system having several databases (modules). The first client database (resident component of People Module 205, e.g., C.5, L.15-20) includes information related to a first client user (resident) including dietary preferences (preferences of the residents and exhaustive definition of the personal needs and desires of the residents, e.g., C.9, L.19-35; resident's medical needs, C.9, L.30); a second chef database (staff component of People Module 205, e.g., C.5, L.20-27) including information about the cook (style of cooking, C.9, L.39-60); and, a communication apparatus (a computer system architecture including a local area network or wide area network, e.g., C.3, L.16 – C.4, L.55) that allows the users to access the information contained within the databases.

Starkey is not specific as to the information that is entered into the second chef database (staff component of the People Module 205) as it relates to the chef or cooking staff.

However, Starkey does read that the Standards Module 206 includes cooking style (C.9, L.39-60). The fact that a cooking style can be selected for a particular planned event would teach that a specific cooking style would be available to the user who is planning the event.

Therefore, it would have been obvious to modify the chef (staff) information of Starkey to include the particular training and cooking style of the cooking staff or chef in order to accommodate a particular preference of cooking style that is preferred by a client or resident, or required for a particular event that is planned.

Although Starkey is for a first client user and a second chef user being at the same location (estate household, e.g., C.2, L.38-48; C.5, L.1), the claimed plurality of locations accessible by more than one type of user is simply a computer network. A computer network is an old and well known expedient as evidenced by White.

White teaches a plurality of computers connected via a network, i.e., a local network or Internet to permit access to information from various locations by various users.

Therefore, it would have been obvious to modify the personal computer of Starkey to include a network of computers, having software, for accessing information stored in a computer system at various locations in the facility, not just a single location for the purpose of user convenience.

- b. Regarding claim 9, the Starkey communication system includes scheduling software (Events Module 204).
- c. Regarding claim 11, Starkey discloses a Guest Visit Example (C.11, L.16-54) in order to demonstrate an Event 204 (which includes a series of activities). The activities are subdivided into components that are planned by cross-correlation of the information contained in the various databases (Modules). The food element of an event is described as having an impact on a cook and purchaser, for example. Also, regarding claim 11, the personal preferences and food type are cross-correlated with an inventory database (the supplies on hand) for example. Further, regarding claim 11, Starkey discloses that the communication system includes an inventory database (Household Inventory Module 202, e.g., C.5, L.42) that includes the contents (C.8, L.47-57) at the estate.
- d. Regarding claim 13, Starkey discloses a modem 154, which infers use of a telephone for accessing the network on which the communication system operates.
- e. Regarding claim 21, Starkey discloses hardware, i.e., a persona computer.
- f. Regarding claim 22, Starkey discloses at least one software program, i.e., Events Module 204.

g. Regarding claims 23, 24, and 27, the claimed computer network and software is met by the Starkey and White combination as discussed with regard to claims 8 and 10, above.

h. Regarding claim 25, the examiner takes Official notice that the number of computers and their association to each other (set(s) of computers) is a matter of design choice that is within the level of ordinary skill of an information technology designer in the information technology field of endeavor. A reason for using such a design choice would be based on the user authority level, a user characteristic, or any other feature. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer network of Starkey and White, as applied to claim 23 above to include a set of computers for each group of users, in order to simplify formatting of the information and accessibility of the information stored in the computer system.

i. Regarding claim 26, White further teaches the use of a hub network system that includes a central station connecting to several nodes (p.336-337). An administrator would use this type of arrangement, for example, to control flow of information or data among the nodes or computers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer system of Starkey and White to include a central computer at a third location in order to provide administration to control information that is passed among the computer users.

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Response to Arguments

2. Applicant's arguments with respect to claims 8-13 and 21-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUSANNA M. DIAZ
PRIMARY EXAMINER

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